

## **ABCR Rules and Regulations CHAPTER 257-X-1 thru 257-X-8**

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## **Chapter 257-X-1 - Organization and Administration**

### **257-X-1-.01 Meetings of the Board**

- (1) The Board shall comply with the Alabama Open Meetings Act.
- (2) A minimum of two regular meetings shall be held each year. The annual meeting shall be the first meeting of the calendar year.
- (3) A majority of the members of the Board shall constitute a quorum for the transaction of business.
- (4) At its first meeting each calendar year, the board shall elect a Chair, a Vice Chair, and Secretary from its membership. No member shall be elected to serve more than two consecutive years in the same office.
- (5) The Chair shall, in accordance with these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the Chair shall be final.
- (6) All members of the Board, including the Chair, are entitled to vote and to make or second motions. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.
- (7) Special meetings may be called by the Chair or by a quorum of the Board.
- (8) Notice of a meeting shall be given to all Board members at least seven days in advance of the meeting, unless all Board members agree to waive the seven day notice.
- (9) Requests to present information to the Board during a regularly scheduled Board meeting shall be in writing to the Executive Director at least fourteen days prior to the meeting. Exceptions may be made in extraordinary circumstances at the direction of the Chair. All requests are subject to review and approval by the Chair. The usual time limitation for presentations will be five minutes with exceptions made by permission of the Chair. Written requests should include:
  - (a) Contact information of the designated spokesperson; and
  - (b) Summary of information to be presented.
- (10) The secretary or designee shall keep a record of all regular meetings. The minutes shall be transcribed and presented for approval or amendment at the next regular meeting. The minutes or a true copy thereof, approved by the Board, shall be open to public inspection. The minutes shall reflect:
  - (a) The time and place of each regular meeting of the Board;

- (b) Names of the Board members present;
  - (c) Names of guests present;
  - (d) Reflect where public notices of the meeting were posted;
  - (e) All official acts of the Board;
  - (f) The vote of the Board except when the votes are unanimous;
  - (g) When requested by a dissenting Board member, specific reasons shall be recorded; and
  - (h) A roll call vote may be taken upon the request of a Board member;
- (11) All regular meetings of the Board shall be open and public except for executive sessions as provided by the Alabama Open Meetings Act.

#### **257-X-1-02 Duties of the Officers of the Board**

- 1) The Chair shall preside at meetings of the Board, appoint members to serve on committees as may be created, serve as ex-officio member of all committees, and determine the rules of order of Board Meetings.
- 2) The Vice Chair shall preside in the absence of the Chair and shall assume the duties of the Chair when necessary.
- 3) The Secretary shall be responsible for the approval of invoices submitted to the Board for payment.

#### **257-X-1-.03 Board Member Compensation**

- 1) Each member of the Board shall serve without compensation, but shall be reimbursed for travel expenses incurred in attendance at meetings of the Board and any other business of the Board at its discretion. Mileage rates shall be the same as established for state employees.
- 2) Board Members shall also receive a per diem allowance following the guidelines for state employees.
- 3) The reimbursement for expenses shall be paid from funds derived from the Alabama Board of Court Reporting Fund. If funds are not available, reimbursement shall not be made.

#### **257-X-1-.04 Employment of Personnel**

The Board may employ an executive director, investigators, inspectors, attorneys and any other agents and employees and assistants as may from time-to time be necessary to establish and maintain administration and enforcement of the Court Reporter Practice Act and rules and regulations established by the Board.

#### **257-X-1-.05 Use of Forms**

Applications and forms shall be made on the prescribed forms approved by the Board. Copies of instructions and forms are available from the office of the Board.

## **257-X-1-.06 Maintenance and Inspection of Board Records**

- (1) The Board shall maintain its records in accordance with the Alabama Open Meetings Act.
- (2) Public records maintained by the Board shall be subject to public disclosure pursuant to the Alabama Open Meetings Act and the Alabama Open Records Act.
- (3) Upon request to the Executive Director, public records maintained by the Board shall be available for inspection and duplication at the office of the Board during regular business hours. The inspection and duplication of public records shall be under the supervision of the Executive Director or an authorized designee.
- (4) Any person wishing to obtain copies of public records shall submit a written request to the office of the Board and will be supplied copies upon payment of the cost of copying, handling and postage.
- (5) Public records maintained by the Board that are available for inspection and duplication include, but are not limited to:
  - (a) Names and addresses of current licensees;
  - (b) Names of persons whose licenses have been suspended or revoked, including the type, date, infraction, the penalty incurred, and length of the penalty;
  - (c) Rules and regulations of the Board, as promulgated and published in accordance with the, Sections 41-22-1, et seq., Administrative Procedures Act, Code of Alabama (1975);
  - (d) Other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its duties and functions; and
  - (e) Final orders, decisions, declaratory rulings, and opinions issued by the Board.

## **257-X-1-.07 Rules and Regulations**

All Rules and Regulations of the Board shall be adopted, amended, or repealed in accordance with the Sections 41-22-1 et.seq., Alabama Administrative Procedures Act, Code of Alabama (1975).

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

## **CHAPTER 257-X-2 – Board Policies and Procedures**

### **257-X-2.01 Change of Name or Address**

- 1) The applicant or licensee shall notify the Board of any requested name change. Appropriate legal documents and fees shall be submitted prior to changing the name of the licensee on the license card.
- 2) The licensee shall notify the Board office of any change in the licensee's address within 30 days of the change. The address of record is the address provided by the applicant or licensee.

### **257-X-2.02 Lost License**

The licensee shall promptly report, in writing, the loss of a license card to the Board. A duplicate license card requires a completed form.

### **257-X-2.03 Verification of Alabama License**

- 1) Verification of licensure will be available on a Board maintained web site.
- 2) Upon receipt of a written request, the Board's designee shall provide written verification of Alabama license.

### **257-X-2.04 Fees**

- 1) Fees and fines are not refundable.
- 2) Fees are payable by certified check, cashier's check, corporate or business check, or money order or personal check.
  - a) Counter checks are not an acceptable method of payment. Personal checks shall be imprinted with the name, address, and account number of the applicant or licensee.
  - b) Personal checks by third parties are not acceptable.
  - c) Applicants or licensees who submit personal checks returned due to insufficient funds may be prohibited from paying any future fees or fines by personal check.
  - d) Statutory charges for returned checks shall be paid by the applicant or licensee.
- 3) Fines are payable by certified check, cashier's check, corporate or business check, or money order.
- 4) The Board may allow payment of fees by electronic means.
- 5) Payment, regardless of the method, that is not honored by the financial institution may result in disciplinary action and/or reporting to the appropriate legal authorities for possible prosecution.
- 6) A license may not be issued until funds are received by the Board.
- 7) The current schedule of fees are included in the appendix.

### **257-X-2.05 Inactive Status**

A person not actively engaged in the practice of court reporting may place their license on inactive status by filing an application for Inactive Status.

### **257-X-2-.06 Restoration**

A person seeking restoration of a license after it has been placed on inactive status for up to 5 years shall file an application with the Board together with the required fees. After, September 30, 2008, in order to restore a license, a person shall submit proof of 15 hours of continuing education completed within one year before restoration. The applicant shall also submit either:

- a) Certification of current licensure from another jurisdiction completed by the appropriate board or licensure authority;
- b) Affidavits from two (2) members of the bench or bar attesting to the applicant's active practice of court reporting in a state that does not require licensure for at least one year immediately prior to the date of application;
- c) An affidavit attesting to military service;
- d) Other proof acceptable to the Board of the applicant's fitness to have the license restored.

### **257-X-2-.07 Review Process**

All Applications must be received for board review two (2) weeks prior to the next available board meeting to ensure adequate processing time. Upon receipt of an application and the appropriate fee, the board shall either issue a designation, notify the applicant in writing of the reasons for denying the application, or notify the applicant in writing of the deficiencies in the application. Applicants have one (1) year from the date of the notification of deficiencies to complete the application process. If the process has not been completed within one (1) year, the application shall be denied, and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. In the event of a hardship, the applicant may apply in writing for a one (1) year extension to complete the process.

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

## **CHAPTER 257-X-3 – Licensure**

### **257-X-3-.01 Licensure by Grandfathering by work experience:**

- (a) Any person who has been engaged in the practice of court reporting on June 1, 2006, may apply for licensure by grandfathering. The application for grandfathering will require evidence that the court reporter is proficient in court reporting. The application will include:
  - (1) Affidavit of past education and work experience as a court reporter;
  - (2) Affidavit from a judge for whom he or she has worked as an official court reporter; or
  - (3) Three Affidavits from licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter;
  - (4) Payment of licensure fee.

### **257-X-3-.02 Licensure by Grandfathering by Credential**

- (a) Any member in good standing of the Alabama Court Reporters Association (ACRA) licensed as a certified shorthand reporter on June 1, 2006, may apply for licensure by credential. A complete application which verifies credential and licensure fee are required.
- (b) Members of ACRA who hold the Certified Shorthand Reporter certification must apply by June 1, 2007 in order to apply under the grandfathering provision.

### **257-X-3-.03 Temporary Licensure**

- (a) Any person who has engaged in the practice of court reporting in the State of Alabama for less than one year on June 1, 2006 may apply for temporary licensure.
- (b) Temporary Licenses are valid until the 60<sup>th</sup> day following the date upon which the next board-approved examination for licensure is given. No more than two additional temporary licenses shall be issued to any applicant who fails to pass the scheduled examination for licensure. The temporary license application will consist of the following:
  - (1) Proof of graduation from an accredited high school or its equivalent;
  - (2) Three affidavits from licensed attorneys, unrelated to the person by blood or marriage, who have utilized his or her services, and who can attest to the person's proficiency in court reporting;
  - (3) Temporary License Fee.

### **257-X-3-.04 Reciprocity**

The board shall enter into reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA, NVRA, or both) that has substantially equal or higher requirements. Non-Resident licenses may be issued upon the finding that the applicant is a competent license court reporter in another state.

- 1) An applicant who is licensed under the laws of another jurisdiction shall file an application with the Board, together with a certification from the licensing authority of the jurisdiction stating:
  - a) The time during which the applicant was licensed in that jurisdiction;
  - b) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
  - c) A brief description of the examination taken and the grades received. The brief description shall include the speeds of dictation, the percentage of accuracy to pass and the contents of the written knowledge test.
  - d) A copy of the Act and Rules and Regulations from the state of original licensure which were in effect at the time of licensure.

### **257-X-3-.05 Traditional Application for Licensure**

- (1) Proof of graduation from an accredited high school or its equivalent;
- (2) Pass the Licensure Examination;

- (3) Complete application and appropriate fees.

#### **257-X-3-.06 Examination**

Applicants for licensure, must pass the Written Knowledge Examination administered by NCRA and must pass an Alabama Skills Examination or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA CRA Examination. The preparation, administration, and grading of the examination shall be conducted by ACRA under the supervision of the Board.

- (1) Examinations shall be given at least twice each calendar year.
- (2) Notice of Examination dates shall be published on the Board Web Site at least 120 days prior to the date set for the examination.
- (3) Applications for Examination must be filed with the board at least 30 days prior to the examination date.
- (4) Exam Results shall be mailed to the applicant by certified mail to the applicant's address of record.

#### **257-X-3-.07 Renewal**

- (a) Every Court Reporter License in Alabama shall expire on September 30<sup>th</sup> of each year. The holder of the license may renew such license during the 60 days preceding the expiration date thereof by paying the required fee and completion of the application for renewal.
- (b) It is the responsibility of each licensee to notify the Board of any change of address within 30 days. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to renew licensure.
- (c) Late Renewals may be received up to 60 days following expiration of license with the required late renewal fee and application for renewal.

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

#### **Chapter 257-X-4 - Standards of Professional Conduct**

- 1) In order to establish and maintain a high standard of integrity in the practice of court reporting, the following Standards of Professional Conduct shall be binding on every person holding a CCR (Certified Court Reporter) from the Board.
  - a.) A licensee shall be fair and impartial toward each participant in all aspects of reported proceedings.
  - b.) A licensee should only accept an assignment if his/her level of competence will result in the preparation of an accurate transcript and will remove himself/herself from an assignment if he/she believes his or her abilities are inadequate, recommending or assigning another licensee only if such licensee has the competence required for such assignment.
  - c.) A licensee, if requested, shall provide information regarding services to be rendered regarding administration of professional services to all parties.



The licensee must strive to meet promised delivery dates whenever possible, make timely delivery of transcripts when no date is specified and provide immediate notification of delays.

- d.) A licensee shall be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict arises, the licensee must disclose that conflict or potential conflict.
- e.) A licensee who becomes impaired and unable to function according to the standards of practice should immediately seek inactive status and refrain from practice. It is the licensee's responsibility to seek supervision and/or personal therapy for any problem that is interfering with the ability to perform professional services.
- f.) A licensee shall preserve the confidentiality and ensure the security of information, oral or written, entrusted to the licensee by any and all of the parties in the proceeding.
- g.) It is the licensee's responsibility to preserve his/her shorthand notes for a period of no less than five years, except as otherwise prescribed by law, through storage of the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, or optical or laser disk systems.
- h.) A licensee's signature, license number and expiration date shall be affixed to a transcript of his/her stenographic notes to certify to its correctness if the transcript has been prepared by him/her or under his/her direct supervision.
- i.) A licensee shall not permit the use of his/her name or firm's name, nor shall a licensee be associated in business ventures with persons or firms that the licensee has reason to believe to be engaging in fraudulent or dishonest business practices.
- j.) A licensee having knowledge of any alleged violation of the Court Reporter Act shall cooperate with the Board of Court Reporting or appropriate governmental agency, furnishing such information or assistance as may be required to conduct an investigation resulting from a complaint.
- k.) A licensee shall be truthful and accurate when making public statements or when advertising qualifications or services provided.
- l.) A licensee shall meet all mandated continuing education requirements and should keep abreast of current literature and technological advances and developments.

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

## **Chapter 257-X-5 – Disciplinary Action**

### **257-X-5.01 Definitions**

- (1) Fine: A monetary penalty up to \$1,000 imposed by the Board.
- (2) Probation: The monitored practice of court reporting which permits the court reporter to continue to practice pursuant to specified conditions as set forth by the Board.
- (3) Suspension: The temporary withdrawal of the license by Board action.
- (4) Revocation: The withdrawal of the license by Board action.
- (5) Voluntary Surrender: The voluntary relinquishment of a license that has the force and effect of revocation.

### **257-X-5.02 Grounds for Denial of a License**

The following may be grounds for denial of a license:

- (1) Failure to meet any requirement or standard established by law or by rules and regulations adopted by the Board.
- (2) Engaging in fraud, misrepresentation, deception, or concealment of a material fact in applying for or securing licensure or taking any examination required for licensure.
- (3) Having disciplinary action pending or having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory or country.
- (4) Having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct that would constitute grounds for discipline.
- (6) Failure to produce evidence of good moral character.
  - (a) The decision as to whether the applicant is of good moral character is within the discretion of the Board.
  - (b) Failure to show good moral character includes but is not limited to a criminal history or pattern of illegal conduct or disregard for the law.
- (7) Any other reasons authorized by law.

### **257-X-5-.03 Grounds for Discipline of a Licensee or Denial of Renewal or Reinstatement**

The Board may fine, suspend, revoke or otherwise discipline any court reporter upon proof that the person:

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license by:

(a) Filing false, forged or altered documents or credentials, including required continuing education documentation.

(b) Misrepresenting or falsifying facts in applying for original licensure, renewal, reactivation, or reinstatement of license.

(c) Having another person appear for a licensing or certification examination.

(2) Has been convicted of, or has entered a plea of guilt, regardless of court disposition, to a charged criminal act that would tend to bring reproach upon the court reporter profession. Such criminal acts include, but are not limited to, offenses involving drugs, theft, lewdness, sexual misconduct, abuse, violence, fraud, or any other conduct deemed detrimental to the public's health, safety or welfare.

(3) Is impaired due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the court reporter unsafe or unreliable which includes but is not limited to:

(a) Testing positive for alcohol and/or unauthorized drugs.

(b) A pattern of abuse or misuse of habit forming and/or mood-altering drugs or alcohol.

(c) Impairment while on duty due to the use of drugs or alcohol.

(d) The use of alcohol or habit forming or mood altering drugs to the extent that medical or psychiatric treatment, rehabilitation, or counseling is medically determined or otherwise recommended by a legally authorized practitioner.

(4) Has been convicted of any violation of a federal or state law, including misdemeanor and felony offenses.

(5) Is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters of court reporting, which includes but is not limited to:

(a) Failure to comply with the Alabama Court Reporting Act and Rules and Regulations as well as federal, state or local laws, rules or regulations applicable to the area of court reporting practice.

(b) Failure to practice court reporting in accordance with the standards of practice adopted by the Board.

(c) Practice beyond the scope of practice as determined by, but not limited to educational preparation; license status; state and federal statutes and regulations; state and national standards appropriate to the type of practice; and court reporting experience.

(d) Gross negligence in the practice of court reporting.

(e) Falsification of credentials,

(f) Falsification of employment records, and

(g) Representing oneself as a court reporter without a license.

(h) Having a license denied, conditionally issued, reprimanded, placed on probation, suspended, revoked, or voluntarily surrendered in another state, territory or country, or having been court-martialed or administratively discharged by a branch of the United States Armed Forces for any act or conduct which would constitute grounds for disciplinary action in this state. A certified copy of the record of the agency that took such action shall be conclusive evidence of the grounds for discipline.

(6) Has failed to respond to official Board correspondence, including but not limited to requests for information, subpoenas, or notices.

(7) Has willfully or repeatedly violated any of the provisions of a statute or rule that includes but is not limited to:

(a) Practicing or seeking to practice court reporting without a current license.

(b) Impersonating an applicant for licensure or another licensed practitioner or permitting or allowing another person to use the court reporter license.

(c) Continued violation of statute or rule after notice by the Board.

(d) Failure to comply with any stipulated terms and conditions of any Board order or contract.

(8) Failed to comply with continuing education requirements.

(9) Submitted payment of any fees or fines to the Board with a worthless check, invalid credit card, or by any other method that is not honored by the financial institution.

(10) Authorizing Court Reporter License number to be used on any transcript not produced through his or her personal effort or supervision, or both.

(11) Poses a risk to public safety for any other reasons stated by law.

#### **257-X-5-.04 Investigation**

(1) Upon self-disclosure or receipt of a written complaint on an ABCR Consumer Complaint Form signed by the person making the complaint, alleging that a court reporter has violated a statute or rule by committing one or more of the actions specified as grounds for disciplinary action, the Executive Director shall perform a preliminary review to determine if there is merit and sufficient evidence to warrant formal proceedings. The Consumer Complaint Form must be complete before an investigation is launched. Complaints must be submitted to the Board within ninety (90) days of the alleged occurrence.

(2) When the Executive Director determines there may be merit and sufficient evidence exists to warrant proceedings, an investigative committee shall be formed consisting of one Board member, one Board counsel, and the Executive Director.

(a) Within five (5) days of self-disclosure or receipt of a written complaint, the Executive Director shall provide the court reporter, against whom the complaint was made, written notification of the complaint, allegation(s), and investigation process by certified mail. The court reporter may submit, to the Executive Director, a written response and any supporting documentation within 15 days of the receipt of the written notification.

(b) The committee shall review the complaint and other information submitted to determine if further investigation is warranted.

(i) If an investigation is warranted, an investigator shall be retained. The investigator shall work under the direction of the Executive Director to conduct further investigation

(ii) At the conclusion of the investigation, the investigator shall submit an investigation report to be reviewed by the Investigative Committee who has the authority to act on the report. The investigative committee shall send written notification to the complainant and the court reporter, against whom the complaint was made, of any action it decides to take in response to the investigation report.

(c) If the committee determines that an investigation is not warranted, the

Executive Director may close the investigative file, provided that the matter may be reinvestigated at any time if circumstances so warrant. The Executive Director shall notify the complainant and the court reporter, against whom the complaint was made.

- (3) When a preliminary review discloses that further investigation is not warranted, the Executive Director may close the investigative file provided that the matter may be reinvestigated at any time if circumstances so warrant.

#### **257-X-5-.05 Board Action Following Investigation**

The Board or its authorized designee shall have the power to act on the report of the investigation as follows:

- (1) Dismiss complaint.
- (2) Commence disciplinary proceedings.
- (3) Accept voluntary surrender of a license.

#### **257-X-5-.06 Administrative Procedure Act**

The Board hereby adopts by reference as its rules Sections 41-22-1 et seq., Alabama Administrative Procedure Act, Code of Alabama (1975), as amended, governing contested cases, appeals, and related proceedings.

#### **257-X-5-.07 Formal Disposition of Contested Cases**

- (1) At least twenty one days prior to the administrative hearing, a notice of hearing and a copy of the charges shall be served on the applicant or court reporter personally or by registered or certified mail to the last known address shown on the records of the Board.
- (2) The Board's complaint may be amended prior to the hearing but no amendment shall be permitted which is not germane to the charge or charges or which materially alters the nature of any offense charged. The Board shall have the right to determine the sufficiency of the complaint.
- (3) A motion for withdrawal of the complaint may be filed with the Board's designee. The circumstances surrounding the attempt to withdraw the complaint may be explained by the person who is attempting to withdraw the complaint and the explanation shall be considered. No complaint that is well-founded will be dismissed solely upon the motion of the original complainant.
- (4) Pleadings relating to disciplinary proceedings pending before the Board shall be filed with the Board's designee. Pleadings shall be deemed filed upon actual receipt.

(5) Requests for subpoenas shall be filed with the Board at least ten days prior to the hearing along with the appropriate subpoena-processing fee. Any expense for service by a sheriff, process server or other entity shall be the responsibility of the party requesting the subpoena. Any expenses incurred relative to subpoenas requested by a respondent, either for witnesses or related to production of documents are the responsibility of the party who requested the issuance of said subpoena.

(6) The hearing shall be conducted by the Board or by a hearing officer appointed by the Board. All testimony shall be under oath and shall be transcribed by a court reporter scheduled by the Board. Telephonic or other real-time electronic testimony is admissible at the discretion of the hearing officer.

(7) A continuance may be granted by the Board or its designee upon the filing of a written motion and affidavit detailing the reasons for the continuance. No motion for continuance shall be granted unless filed at least five days prior to the hearing. This provision may be waived upon showing of an emergency.

#### **257-X-5-.08 Informal Disposition of Contested Cases**

(1) Complaints or controversies may be considered and resolved by the Board or Board designee through alternative dispute resolution, informal conferences, meetings, or other informal means. Such informal measures shall be held without prejudice to the right of the Board thereafter to institute formal proceedings based upon the same or related material if circumstances so warrant.

(2) Informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the Board.

#### **257-X-5-.09 Decisions of the Board**

(1) Based upon the evidence presented at the administrative hearing or pursuant to informal disposition the Board action may be one or more of the following:

(a) Dismiss the complaint.

(b) Reprimand the respondent.

(c) Probate the respondent's license.

(d) Suspend the respondent's license. A suspended license is subject to expiration during the suspension period.

(e) Revoke the respondent's license.

- (f) Deny approval of the application.
  - (g) Deny renewal or reinstatement of a license.
  - (h) Impose other sanctions or restrictions.
- (2) The Board may levy a fine not to exceed one thousand dollars (\$1,000) per violation. Each day of a violation after notice may be considered as a separate violation.
- (3) The decisions of the Board shall be in writing in the form of an order, a copy of which shall be mailed or delivered to the respondent or the respondent's attorney.
- (4) The decisions of the Board shall be subject to public dissemination.
- (5) Appeals from decisions of the Board are to be made in writing to the Board office within ninety (90) days of the final order. Further appeal is then available in Circuit Court in the jurisdiction of the residence of the respondent and are to be perfected in accordance with the Administrative Procedure Act.
- (6) All members of the Board, including the Chair, are entitled to vote and to make or second motions in disciplinary matters except for any Board Member who may also serve on the Investigative Committee, serve as the Complainant, or have a conflict of interest in the case being decided. A majority of those members on the Board present and voting on any matter shall decide that matter before the Board.

#### **257-X-5-10 Application Following Denial of Licensure**

- (1) Application for a license following denial of licensure shall:
- (a) Include evidence of rehabilitation, or elimination or resolution of the conditions for denial.
  - (b) Re-application must be at least twelve (12) months after the denial.
- (2) Board action on applications following denial of licensure may be resolved either informally or through the formal hearing process.
- (3) In considering a subsequent application for licensure, the Board may evaluate factors that include but are not limited to:
- (a) The severity of the act(s) or omission(s) which resulted in the denial of license.
  - (b) The conduct of the applicant subsequent to the denial of license.



- (c) The lapse of time since denial of license.
- (d) Compliance with any conditions stipulated by the Board as a prerequisite for a subsequent application.
- (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
- (f) Whether the applicant is in violation of any applicable statute or rule.

#### **257-X-5-.11 Reinstatement of a Revoked License**

(1) Application for reinstatement:

(a) May be made twelve months after the effective date of revocation unless otherwise specified in Order or Agreement.

(b) Shall be made according to forms and guidelines provided by the Board.

(2) Applications for reinstatement of a revoked license may be resolved informally or through the formal hearing process.

(3) In considering reinstatement of a revoked license, the Board may evaluate factors that include but are not limited to:

- (a) Severity of the act(s) that resulted in revocation of the license.
- (b) Conduct of the applicant subsequent to the revocation of license.
- (c) Lapse of time since revocation.
- (d) Compliance with all reinstatement requirements stipulated by the Board.
- (e) Rehabilitation attained by the applicant as evidenced by statements provided directly to the Board from qualified individuals who have professional knowledge of the applicant.
- (f) Whether the applicant is in violation of any applicable statute or rule.
- (g) Directly or by implication represent in any way that the person is a licensed court reporter.

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

## **Chapter 257-X-6 - Continuing Education**

### **257-X-6.01 Continuing Education Requirements**

- 1) Beginning with the September 30, 2008 renewal and every renewal thereafter, every licensee who applies for renewal of a license shall complete during the preceding thirty six (36) months five (15) hours of continuing education (CE) relevant to the practice of court reporting.
- 2) A Renewal Period is the twelve (12) months preceding September 30 of each year.
- 3) A CE hour means a minimum of 50 minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Alabama license.
- 5) Non-Resident Licensees shall comply with the CE Requirements set forth in this Section.

### **257-X-6.02 How to Acquire CE Credit**

- (1) CE hours may be earned from:
  - a) Verified attendance at or participation in a program, activity or course through the National Court Reporters Association or ACRA.
  - b) Verified attendance (e.g. license of attendance or license of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below,
  - c) Verified attendance at a program that is of general information value to court reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript. A maximum of 7.5 (seven and one half) hours credit may be counted during a prerenewal period for such programs, which include:
    - i.) Professionalism, including knowledge and application of standards of professional responsibility, impartiality, public relations, attire; and
    - ii.) Office procedures, record-keeping, health, including a reporter's approach to personal tax management, planning for retirement or changing careers within reporting, maintaining the individual reporter's health and emotional adjustment, ability to listen, to concentrate, to communicate, to cope.
  - d) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker or panel member at an approved course will be allowed as CE credit for actual presentation time, plus actual preparation time of up to 2 hours of each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than 5 hours of credit can be earned under this category in any one renewal period.
  - e) Writing articles to the profession of court reporting and published in a state or nationally recognized professional journal of court reporting or law. No more than 5 hours of credit can be earned

under this category in any one renewal period. Credits will not be allowed for the same article published in more than one publication.

- 2) Courses completed that are a part of the curriculum of a university, college or other education institution. One semester of course work is equivalent to 10 hours of CE and one quarter of course work is equivalent to 5 hours of CE.

### **257-X-6-.03 CE Sponsors and Programs**

- 1) Sponsor, as used in this Section, shall mean the following:
- a) The National Court Reporters Association;
  - b) The National Verbatim Reporters Association;
  - c) The Alabama Court Reporters Association (ACRA) or any state court reporters association whose course or program has been approved for CE credits under the guidelines of the National Court Reporters Association;
  - d) Any computer users group whose program or course has been approved for CE credits under the guidelines of the National Court Reporters Association;
  - e) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;
  - f) A university or college course or adult education program that contributes directly to the Court Reporter's knowledge, ability or competence to perform his/her duties; and
  - g) Any other school, college or university, State agency, or any other person, firm or association that has been approved by ACRA to coordinate and present CE Courses and programs in conjunction with this Section.
- 2) All programs shall:
- a) Contribute to the advancement, extension and enhancement of the professional skills and knowledge of the individual licensee in the practice of court reporting;
  - b) Include one or more of the following subjects directly related to the court reporter's ability to produce accurate and timely transcripts:
    - i) English, including grammar, punctuation, general principles, spelling, vocabulary, etymology, usage, semantics, regional and minority dialects or colloquialisms, English history, transcript styles;
    - ii) Medical, including Greek and Latin derivatives, homonyms, abbreviations, surgical procedures, pharmacy, anatomy and physiology, specialized medical fields, (i.e. neurology, dentistry, radiology, gastroenterology), with emphasis on terminology and techniques or concepts likely to be encountered during litigation;
    - iii) Legal, including terminology, research techniques, presentations on the various subdivisions of law (i.e., criminal torts, domestic relations, corporate, admiralty, patent, environmental) and procedural law (i.e., depositions, trials, administrative proceedings) presentations by legal specialists or experts in the field, history of the American/world legal system;
    - iv) Technical subjects presented by experts with emphasis on terminology and concepts encountered by the

- shorthand reporter during litigation (i.e., accident reconstruction, chemistry, construction, geology, insurance, maritime, aerospace, products liability, industrial and environmental pollution);
  - v) Technology related to new developments in the field of reporting (i.e., computer technology, computer techniques, video, telecommunications, equipment maintenance);
  - vi) General litigation procedures as they relate to court, deposition and administrative proceedings (i.e., reporting depositions, court hearings, arbitrations, conventions and the court reporter's responsibility with regard to these proceedings, notary responsibilities, making exhibits, reading back, going on and off the record, review of statutes, rules related to the reporter);
  - vii) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, proofreading; and
  - viii) Management, including financial, marketing, personnel, equipment maintenance, time and stress management;
- c) Be relevant to the needs of court reporters and also to the reporting service needs of the users;
  - d) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - e) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and
  - f) Specify the number of CE hours that may be applied to fulfilling the CE requirements for renewal of the license.
- 3) Each CE program shall provide a mechanism for evaluation of the program by the participants, the evaluation may be completed on-site immediately following the program or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- a) An approved sponsor may subcontract with individuals and organizations to provide programs.
  - b) Continuing education credits may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.
  - c) All programs given by approved sponsors shall be open to all licensed court reporters and not be limited to members of a single organization or group.
  - d) Continuing Education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the Alabama Board of Court Reporting.

- e) License of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a license of attendance or participation. The sponsor's license of attendance shall contain:
  - f) The name, address, and license number of the sponsor;
  - g) The name and address of the participant;
  - h) A brief statement of the subject matter;
  - i) The number of hours attended in each program;
  - j) The date and place of the program; and
  - k) The signature of the sponsor.
- l) The sponsor shall maintain attendance records for not less than 5 years.
- m) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

#### **257-X-6-.04 Activities Not Qualifying for CE Credit**

- 1) Certain activities that shall not be considered acceptable for continuing education credits include, but shall not be limited to, the following:
  - a) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
  - b) Serving on committees;
  - c) Entertainment and recreation;
  - d) Tours, visiting exhibits;
  - e) Any function for which the registrant receives remuneration as part of his/her regular employment;
  - f) In-house training on office equipment; and
  - g) Courses with a main thrust of teaching nonverbal skills (i.e., golf, tennis, dancing, basket-weaving).

#### **257-X-6-.05 Certification of Compliance with CE Requirements**

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE Requirements set forth in subsections (a) and (b) above.
- 2) The Board shall conduct random audits to verify compliance with CE Requirements.
- 3) The Board may require additional evidence (e.g., license of attendance). This additional evidence shall be required in the context of the Board's audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
- 4) When there appears to be a lack of compliance with CE Requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings.

#### **257-X-6-.06 Waiver of CE Requirements**

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Board a

renewal application along with the required renewal fee, a statement setting forth the facts concerning non-compliance and request a waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Board, finds from the documentation submitted that extreme hardship has been shown for granting a waiver, the Board shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

a) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the application prerenewal period because of:

i.) Full-time service in the armed forces of the United States during a substantial part of the prerenewal period;

ii) An incapacitating illness documented by a statement from a currently licensed physician;

iii) A physical inability to travel to the sites of approved programs documented by a currently licensed physician;

iv) Being retired from practice and not performing reporting services, or

v) Any other similar extenuating circumstances.

2) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section, shall be deemed to be in good standing until the final decision on the applicant is made by the Board.

**Author: Paula McCaleb**

**Statutory Authority: Code of Alabama, 1975. § 34-8B-1 thru § 34-8B-18**

**Effective Date: April 18, 2007**

## **257-X-7 Appendices I**

### **Fee Schedule**

License Fee	\$100
Application Fee	\$ 50
Renewal Fee	\$100
Late Renewal Fee	20% of License Fee each month
Temporary License Renewal Fee	\$ 50
Re-Instatement Fee	\$300

**Author: Paula McCaleb**

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## **257-X-8 Appendices II**

### **Forms Associated with these Rules and Regulations**

Application for Licensure by Work Experience  
Application for Licensure by Credential  
Application for Temporary Licensure  
Application for Licensure by Reciprocity  
Application for Licensure/Request to sit for Examination  
Application for Inactive Status  
Application for Restoration of License  
Renewal Application  
Change of Address Form  
Consumer Complaint Form

**Author: Paula McCaleb**

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